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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,070	09/28/2001	Russell Pond	NC25614 (NOKI15-25614)	4895
30973	7590	09/19/2005	EXAMINER EKONG, EMEM	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			ART UNIT 2681	PAPER NUMBER

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/967,070	POND, RUSSELL	
	Examiner	Art Unit	
	EMEM EKONG	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/11/01</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it includes legal phraseology, such as "means" (on the last line). Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. The drawings are objected to because the "elements" in figure 3 are not descriptively labeled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 18 is objected to because of the following informalities:

On line 1 of claim 18, replace "claim 18" with --claim 17-- before "wherein".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-7, and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2002/0146097 A1 to Petri Vuori (Vuori) in view of U.S. Publication No. US 2005/0153729 A1 to James D. Logan (Logan et al.).

Regarding claims 1 and 2, Vuori discloses a system for transmitting short voice message service (SVMS) messages to an intended recipient through a radio communication network, said system comprising (par. 0005 and 0007):

a first communication station, comprising (see figures 1, 3, 11, and 12, and par. 0032):

a storage device for electronically storing the SVMS message until it can be transmitted to an SVMS-MSC (pars. 0032 lines 11 –14, 0055, 0056 lines 17-18); and

an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient (reads on claim 1) (see figure 11, par. 0051),

further comprising a microphone in the first communication station (terminal) for receiving an audio input (see figure 12, pars. 0050 line 5, and par. 0056 line 14), converting it into electronic signals, and providing the electronic signals to the packet-data generator (means) (reads on claim 2)(par. 0056).

However, Vuori fails to specifically disclose a packet-data generator for converting an SVMS message into a packet-data format for transmission (claim 1); and providing the electronic signals to the packet-data generator (claim 2).

Logan et al. discloses Communication and control system using a network of location aware devices for message storage and transmission operating under rule-based control, and further discloses a packet-data generator for converting an SVMS message into a packet-data format for transmission (reads on claim 1); and providing

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the electronic signals to the packet-data generator (reads on claim 2) (i.e. recording means, and analog to digital converter means) (pars. 0032, 0059 and claim 1)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the first communication station of Vuori with the communication system of Logan et al. for the purpose of using packet-data format in the message transmission.

Regarding claim 3, the combination of Vuori and Logan et al. discloses the system of claim 1, further comprising a text to speech (TTS) converter in communication with the first communication station for converting a text file into digital audio form and providing the digital audio signal to the packet-data generator (Vuori, par. 0058), (Logan et al., pars. 0011, 0017 and 0058).

Regarding claim 4, the combination of Vuori and Logan et al. discloses the system of claim 1, wherein the intended recipient is a mobile telephone, and said system further comprises a home location register (HLR) for storing information regarding the mobile telephone (Vuori, see fig. 3, and pars. 0036, 0050).

Regarding claim 5, the combination of Vuori and Logan et al. discloses the system of claim 4, wherein the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable (Vuori, pars. 0036, 0050).

Regarding claim 6, the combination of Vuori and Logan et al. discloses the system of claim 5, wherein the SVMS-server, upon receiving a response from the HLR indicating that the mobile telephone is not SVMS capable, delivers the SVMS message by an alternate delivery method (Vuori, par. 0051).

Regarding claim 7, the combination of Vuori and Logan et al. discloses the system of claim 5, further comprising a voice-mail server (means for storage) in communication with the SVMS-MSC and accessible to the subscriber, and wherein the alternate delivery method includes storing the SVMS message as a voice-mail message on the voice-mail server (Vuori, par. 0051).

Regarding claim 9, the combination of Vuori and Logan et al. discloses the system of claim 1, wherein the first communication station is connectable to the Internet such that the SVMS message may be transmitted to the SVMS-MSC through the Internet (Vuori, see figure 6, and par. 0041).

Regarding claim 10, Vuori discloses a method of enabling the transmission of an SVMS message from an originating station to a target station through a wireless telecommunication network, said method comprising the steps of (see figures 1, 3, 11, and 12, and pars. 0032, 0005 and 0007):

determining a transmission path to the target station for delivering the SVMS message; and transmitting the SVMS message (par. 0050).

However, Vuori fails to disclose receiving an SVMS message in packet-data format in an SVMS server; and

storing the SVMS message in a data storage device in communication with the SVMS server.

Logan et al. discloses receiving an SVMS message in packet-data format in an SVMS server (i.e. remote data memory or server); and storing the SVMS message in a data storage device (i.e. data memory) in communication with the SVMS server (pars. 0032, and 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Vuori with the communication system of Logan et al. for the purpose of using packet-data format in storing voice message in order to be retrieved for transmission.

Regarding claim 11, the combination of Vuori and Logan et al. discloses the method of claim 10, further comprising the step of verifying delivery of the SVMS message to the target station (Vuori, pars. 0050, and 0051).

Regarding claim 12, the combination of Vuori and Logan et al. discloses the method of claim 11, further comprising the step of sending a delivery confirmation notice to the originating station, upon verifying delivery (Vuori, pars. 0051, and 0052).



Regarding claim 13, the combination of Vuori and Logan et al. discloses the method of claim 10, further comprising the step of determining if the target station is SVMS capable (Vuori, pars. 0036, 0050).

Regarding claim 14, the combination of Vuori and Logan et al. discloses the method of claim 13, wherein the step of transmitting comprises transmitting the SVMS message to the target station upon determining that the target station is SVMS capable (Vuori, par. 0051).

Regarding claim 15, the combination of Vuori and Logan et al. discloses the method of claim 13, wherein the step of transmitting comprises transmitting the SVMS message to a voice-mail server for storage (Vuori, par. 0051).

Regarding claim 16, the combination of Vuori and Logan et al. discloses the method of claim 15, further comprising the step of sending to the target station a notification that the SVMS message was transmitted to a voice-mail server (Vuori, par. 0051).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vuori in view of Logan et al. as applied to claim 4 above, and further in view of U.S Patent No. 6,014,559 to Umesh J. Amin (Amin).

The combination of Vuori and Logan et al. discloses the system of claim 4. However, the combination fails to disclose wherein the SVMS-MSC queries the HLR to determine the location of the mobile telephone.

Amin discloses wherein the SVMS-MSC (message center) queries the HLR to determine the location of the mobile telephone (col. 1 lines 50-55, and claims 8, and 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the teaching of Logan et al. for the purpose of locating the recipient in order to forward the voice message.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vuori in view of Logan et al. as applied to claim 10 above, and further in view of U.S Patent No. 6654786 B1 to Mark A. Fox (Fox et al.).

The combination of Vuori and Logan et al. disclose the method of claim 10, however fails to disclose wherein the SVMS message is received from an SVMS portal;

and the SVMS portal is a World Wide Web site accessible by subscribers to direct that an SVMS message be generated upon the occurrence of a certain event.

Fox et al. discloses wherein the SVMS message is received from an SVMS portal;

and the SVMS portal is a World Wide Web site accessible by subscribers to direct that an SVMS message be generated upon the occurrence of a certain event (see

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figures 2, and 4, and col. 3 line 25- col. 4 line 41, col. 5 lines 42-57, col. 12 line 46 - col. 13 line 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination with the teachings of Fox et al. for the purpose of message accessibility through the World Wide Web.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to mobile device:

U.S. Patent. No. 5,987,323 to Seppo Huotari (Huotari)

U.S. Patent No 5,313,515 to Michael Allen et al.

U.S. Patent No. 5,802,466 to John K. Gallant et al.

U.S. Patent No 5,946,630 to Per Willars et al.

U.S. Patent No. 6,424,841 B1 to Patrik G. Gustafsson


U.S. Patent No. 6,289,223 B1 to Subrata Mukherjee et al..


Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571 272 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EOE  
09/13/2005

  
RAFAEL PEREZ-GUTIERREZ  
PRIMARY EXAMINER  
9/15/05